

Remarks

Applicant's representative first wishes to thank the Examiner for the courtesy extended during the telephone conversation of June 12, 2007. In that discussion, Applicant's representative explained that Robert Spillane was Applicant's patent liaison and technical advisor to the application and had, inadvertently and without deceptive intent, written that stitch evasion was well known in the art in his description of the method for manufacturing an embodiment of the present invention. The current amendment is made in accordance with the discussion between Applicant's representative and the Examiner and reflects Applicant's attempt to correct the above-mentioned typographical error. Applicant is pleased to include the Declaration of Mr. Spillane, setting forth that the abovementioned error was inadvertently made without deceptive intent.

Claims 1, 3-13, 15-20 and 22-43 are pending in the application. Claims 3, 10, 11, 16, 18-20, 23-33 and 41-43 have been previously withdrawn. Currently, claims 1, 4-9, 12, 13, 15, 17, 22, and 34-40 are rejected. Applicant respectfully requests favorable reconsideration for the reasons given below.

35 U.S.C. §112

Claims 8, 13, and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has amended the claims and believes the Office's concerns are addressed.

35 U.S.C. §103

Claims 1, 4, 5, 12, 13, 15, 22 and 34-40 were rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 3,041,861 ("Kasey") in view of United States Patent No. 4,879,169 ("Zafiroglu") in view of Applicant's disclosure. Applicant respectfully requests favorable reconsideration for the reasons below.

None of the references disclose or suggest *a second side formed by a stitch evaded portion of a second yarn* as recited by claim 1. As set forth in the Declaration of Mr. Spillane, stitch evasion is not generally known, and more importantly, is not known as set forth in the

presently claimed invention. For at least this reason, Applicant respectfully believes Claims 1, 4, 5, 12, 13, 15, 22 and 34-40 are patentable over the cited combination.

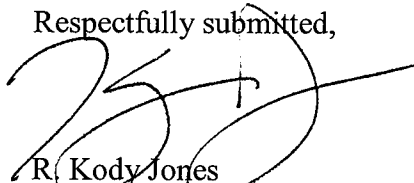
Further, none of the references disclose or suggest *an elastomeric or stretch yarn incorporated into the front stitches, wherein the elastomeric or stretch yarn forces the stitch evaded yarn to the second side* as recited by claim 1. As set forth in the Declaration of Mr. Spillane, stitch evasion is not generally known, and more importantly, is not known as set forth in the presently recited. For at least this reason, Applicant respectfully believes Claims 1, 4, 5, 12, 13, 15, 22 and 34-40 are patentable over the cited combination.

Claims 6-9 were rejected under 35 U.S.C. §103 as being unpatentable over United States Kasey in view of Zafiroglu in view of Applicant's disclosure, in further view of either United States Patent No. 4,574,397 ("Dennard") or United States Patent No. 5123,117 ("Prendergast"). Applicant respectfully submits that claims 6-9 are patentable for at least the reasons claim 1 is patentable and requests favorable reconsideration.

Claim 17 was rejected under 35 U.S.C. §103 as being unpatentable over Kasey in view of Zafiroglu in view of Applicant's disclosure, in further view of United States Patent No. 5,916,273 ("Hepfinger"). Applicant respectfully submits that claim 17 is patentable for at least the reasons claim 1 is patentable and requests favorable reconsideration.

Applicant submits that by this amendment he has placed the case in condition for allowance and such action is respectfully requested. If, however, any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "R. Kody Jones", written over the typed name.

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